

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 08-10258
Non-Argument Calendar

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT JUNE 10, 2008 THOMAS K. KAHN CLERK
--

D. C. Docket No. 06-01691-CV-ORL-18-UAM

JUDITH E. MERCHANT,

Plaintiff-Appellant,

versus

COMMISSIONER OF SOCIAL SECURITY,

Defendant-Appellee.

Appeal from the United States District Court
for the Middle District of Florida

(June 10, 2008)

Before CARNES, BARKETT and COX, Circuit Judges.

PER CURIAM:

Judith E. Merchant appeals the district court's judgment affirming the Social Security Administration's denial of disability insurance benefits pursuant to 42 U.S.C. § 405(g). She presents four basic issues on this appeal.

First, Merchant contends that the Administrative Law Judge's ("ALJ") finding that she could perform light work was not supported by substantial evidence. The record supports the ALJ's finding that Merchant's uveitis was responsive to treatment and that she had failed to show that her hip pain prevented her from doing light work. Thus, substantial evidence supported the ALJ's finding that Merchant could perform light work.

Second, Merchant contends that the ALJ erred by failing to secure a physical capacity evaluation. She argues that since the ALJ rejected the evidence offered with regard to her hip condition, the ALJ erred by not ordering a physical capacity evaluation to determine the severity of her hip condition. We conclude that the record was sufficient for the ALJ to determine Merchant's residual functional capacity with regard to her hip; therefore, the ALJ did not err by failing to order additional medical evidence.

Third, Merchant contends that the ALJ failed to give proper weight to the opinion of her treating physician, Dr. Royer. She argues that the ALJ improperly considered the opinion of a non-examining, non-physician over Dr. Royer's opinion

that she could not do light work. The ALJ did not err in assigning minimal weight to the opinion of Dr. Royer because his findings were not supported by the medical evidence and he acknowledged that he was uncertain as to Merchant's current condition.

Fourth, Merchant contends that the ALJ erred by finding her testimony not entirely credible with regard to the severity of her limitations. She contends that the ALJ's reasons for rejecting her testimony are inconsistent with her medical records and not supported by substantial evidence. Merchant's testimony regarding the extent of her limitations was inconsistent with the medical evidence and her testimony regarding her everyday activities. Therefore, the ALJ did not err in finding that Merchant's testimony was not entirely credible as to the extent and severity of her limitations.

We discern no error. We affirm the denial of benefits.

AFFIRMED.